

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NYCOLI DELGADO, AUNJYAE
STAPLETON, and DEMAREIYE GAMBLE,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GAIL CECILIA JACKSON, a/k/a CECILIA
JACKSON,

Respondent-Appellant.

UNPUBLISHED
March 10, 2005

No. 257734
Jackson Circuit Court
Family Division
LC No. 02-003461-NA

Before: Murray, P.J., and Markey and O'Connell, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights. Respondent's parental rights to all three children were terminated under MCL 712A.19b(3)(g) and (j). The court also relied upon § 19b(3)(c)(i) in terminating respondent's parental rights to Nycoli and Aunjyae. We affirm.

The two older children were taken into the court's custody after respondent was arrested for stabbing her boyfriend twice in the chest with a pair of scissors while the children were in the home. Respondent appeared highly intoxicated and registered a 0.178 on the Breathalyzer test given to her after she was taken into custody. Respondent pleaded no contest to a domestic violence charge arising from the incident and was sentenced to probation. She was later incarcerated for violating the terms of her probation by failing to provide documentation of her attendance at AA meetings, enroll in a substance abuse program, or participate in therapy. The younger child, Demareiyee, was born during her incarceration, and a petition seeking custody of him was filed shortly after his birth.

Under her court-ordered treatment plan, respondent was required to obtain a substance abuse assessment and follow its recommendations, comply with alcohol and drug screens, attend parenting classes and benefit from them, obtain and maintain employment and housing, and obtain a psychological assessment and follow the recommendations of the assessment. Respondent submitted to a psychological evaluation that made recommendations for treatment but also concluded that the prognosis with regards to treatment was guarded at best. Although

respondent submitted drug screens throughout the proceedings, all of which were negative, respondent failed to complete a substance abuse assessment, obtain and maintain employment, or complete a mental health assessment. Although she completed parenting classes, the caseworker testified that respondent's behavior at visits with the children suggested that she did not benefit from the classes. The caseworker also testified that respondent was hostile and aggressive towards the children and the caseworkers. On the stand, respondent denied that she had a substance abuse problem or a mental health problem.

Based on the foregoing evidence, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Christopher M. Murray
/s/ Jane E. Markey
/s/ Peter D. O'Connell